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PTQ0370

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ACTION AF-01

INFO	LOG-00	CIAE-00	OASY-00	DODE-00	EUR-01	H-01	TEDE-00
	INR-00	IO-16	L-01	ADS-00	M-00	NSAE-00	NSCE-00
	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00
	SP-00	SSO-00	SS-00	TRSE-00	T-00	USIE-00	PMB-00
	PRM-10	DRL-09	G-00	/045W			

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O 071420Z NOV 94
FM AMEMBASSY KIGALI
TO USMISSION USUN NEW YORK IMMEDIATE
SECSTATE WASHDC IMMEDIATE 0387
INFO UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
AMEMBASSY THE HAGUE IMMEDIATE
RWANDA COLLECTIVE PRIORITY

C O N F I D E N T I A L KIGALI 002114

DEPARTMENT FOR G, UNDER SECRETARY WIRTH; AF, ASSISTANT
SECRETARY MOOSE; IO; DRL; AND RPM

E.O. 12356:DECL:OADR
TAGS: PHUM, PREL, PGOV, RW, UN
SUBJECT: RWANDA WAR CRIMES TRIBUNAL: A "NO" VOTE
ON THE HORIZON

1. CONFIDENTIAL -- ENTIRE TEXT.

2. CHARGE RAN INTO MINISTER OF YOUTH AND SPORTS PATRICK
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MAZIMHAKA ON THE MORNING OF NOVEMBER 7 AND RAISED THE

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SUBJECT OF THE RWANDA WAR CRIMES TRIBUNAL. MAZIMHAKA, AN RPF INSIDER WHO HAS BEEN ON THE "SECRET" GOR COMMISSION ON THE TRIBUNAL FROM THE BEGINNING, SAID THAT THE GOR WAS PREPARED TO VOTE NO ON THE WAR CRIMES RESOLUTION AND STATUTES IF THEY CAME TO A VOTE TODAY. HE ADDED THAT THE RWANDAN PERMREP IN NEW YORK HAS BEEN SO INSTRUCTED. MAZIMHAKA REPEATED THE ARGUMENTS ABOUT THE PRIMACY OF RWANDAN LAW AND SAID THAT THE YUGOSLAV SITUATION COULD NOT BE COMPARED TO THE RWANDAN ONE, SINCE YUGOSLAVIA WAS NO LONGER A UNITARY STATE.

3. IN RESPONSE TO CHARGE'S QUERY ON THE LIKELIHOOD OF THE GOR FALLING BACK TO THE MIDDLE GROUND, MAZIMHAKA SAID THAT "IRRECONCILABLE DIFFERENCES" OVER BASIC ISSUES DID NOT PERMIT ABSTENTION. HE SAID THAT DESPITE THE VOTE, THE GOR "WILL STRONGLY SUPPORT THE WORK OF THE TRIBUNAL". PRIME MINISTER TWAGIRAMUNGU SUBSEQUENTLY CALLED TO SAY THAT THE CONSENSUS OF GOVERNMENT HAD BEEN NO RATHER THAN ABSTENTION. HE EXPRESSED CONCERN ABOUT HOW THIS WOULD COLOR GOR RELATIONS WITH THE DONOR COMMUNITY. WE THINK THAT THIS IS THE FINAL GOR POSITION ON THE ISSUE.

4. COMMENT. THE HARDLINERS HAVE WON, APPARENTLY WITH EASE. IN OUR ANALYSIS, SENIOR RPF/RPA LEADERSHIP FOUND THE POTENTIAL POLITICAL COST OF COMPROMISE ON THE DEATH PENALTY (AND TO A LESSER EXTENT RELATED SMOKE SCREEN ISSUES) TOO HIGH. MAZIMHAKA'S STATEMENT ON FUTURE COOPERATION WITH THE TRIBUNAL INDICATES THAT THE GOR WILL TRY AFTER THE FACT TO MINIMIZE THE COSTS ABROAD.

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5. FURTHER COMMENT. ACCORDING TO UNAMIR'S AMB. DESSANDE, SYG LEGAL EMISSARY CORRELL MET WITH KAGAME JUST BEFORE THE FORMER'S SATURDAY DEPARTURE FROM KIGALI. DESSANDE HAD NOTHING ON THE TENOR OR OUTCOME OF THE MEETING. WE WOULD BE INTERESTED IN A READOUT ON WHERE KAGAME STANDS, SINCE HE MANAGED TO DUCK THE GERMAN AMBASSADOR, US AND THEREBY THE WAR CRIMES TRIBUNAL ISSUE FOR THE PAST TWO WEEKS. OUR CONVERSATIONS WITH THE PRIME MINISTER AND JUSTICE MINISTER HAVE CONVINCED US THAT KAGAME WOULD NOT YIELD ON CONTENTIOUS POINTS BUT WAS RELUCTANT TO TAKE A DIRECT HIT.

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